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UNDER
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Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Albert Raul Franco**

Case Number: **2:18CR00356**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **May 27, 2020**

Original Offense: **Illegal Acquisition of a Firearm, and Aiding and Abetting (8 counts)**

Original Sentence: **36 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **November 17, 2022**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

PETITIONING THE COURT

☒ To issue a warrant.

☐ To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Commit Another Crime** - You must not commit another federal, state or local crime.

On February 15, 2023, Franco committed the offense of Possession Schedule I, II Controlled Substance a violation of NRS 453.336.2A

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On the date indicated above, the United States Probation Office conducted a search at Franco's residence. During the search, a bag of pills was in the pocket of a blue jacket located in Franco's bedroom closet. The pills were later determined to be MDMA.

2. Do Not Unlawfully Possess Controlled Substance - You must not unlawfully possess a controlled substance.

As outlined in allegation number one, on February 15, 2023, Franco was found to be in possession of MDMA (ecstasy) and a large bag of marijuana.

3. Must Not Leave District - You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

A. On December 27, 2022, Franco received a citation from Nevada Highway Patrol (NHP) for Failure to Drive Within Marked Lanes and Unregistered Vehicle. Of note, Franco was pulled over on I15 north of mile marker one. Based on the location of the citation, Franco was returning to the district from California.

B. During the search Franco's phone was seized. A review of Franco's phone revealed that Franco had left the District of Nevada without the knowledge or approval of the probation officer on several occasions. Franco admitted to the undersigned officer when contacted at his residence during the evening of February 15, 2023, he had just returned home from California. Franco was in California without approval.

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked


I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **March 10, 2023**


Digitally signed by
Amberleigh Barajas
Date: 2023.03.10
16:27:28 -08'00'

Amberleigh Barajas
Senior United States Probation Officer


Approved:


Digitally signed by Todd
Fredlund
Date: 2023.03.10 16:24:05
-08'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:


Signature of Judicial Officer

March 13, 2023
Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. ALBERT RAUL FRANCO, 2:18CR00356**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
March 10, 2023**

On November 17, 2022, Franco commenced his term of supervision. Prior to the onset of supervision, Franco had met with the undersigned officer to prepare for his transition to supervision. During the meeting, Franco advised that he does not have mental health issues and there was no need to take psychotropic medications. When Franco was confronted with the extensive mental health history outlined in the presentence report, Franco adamantly denied any mental health issues or a need to take psychotropic medications. Franco represented an extensive mental health history at the time of sentencing, to include diagnoses of bi-polar, post-traumatic stress disorder, schizophrenia, and auditory hallucinations. Franco completed a psychiatric evaluation which detailed extensively Franco's struggles with auditory hallucinations, mood elevations with anger, irritability, sleep disturbance, rapid thoughts and speech, and risk-taking behavior.

On December 2, 2022, Franco completed a mental health and substance abuse assessment with our contracted vendor. The clinician did not recommend any treatment services as Franco did not present with symptoms warranting services. Franco disclosed a prior diagnosis to the assessing clinician that he was previously diagnosed with schizoaffective disorder and post-traumatic stress disorder. He further reported sporadically taking medications in the past but not taking any psychotropic medications. It appeared that Franco's initial presentation of his mental illness was simply a fabrication to illicit empathy at sentencing in hopes of a more lenient sentence.

On December 27, 2022, Franco was stopped by NHP on I15 north of mile marker one. Franco was returning to the district from the California area. Franco was stopped as he was driving in the shoulder of the highway to pass traffic. Additionally, Franco's vehicle was not registered. Franco did report the police contact but did not have approval to be out of the district.

On February 15, 2023, the United States Probation Office executed a search on Franco's residence. The search revealed that Franco was in possession of MDMA. The MDMA was in the pocket of a blue jacket in Franco's bedroom closet. Franco confirmed the MDMA was his and stated that he had purchased the illicit substance in August when a family member died. Franco stated he used the illicit substance to cope with the death. Franco stated the reason he still had the MDMA was because he forgot about it. Though the death of a family member is difficult to process, it is highly unlikely Franco used the jacket the MDMA was in the month of August. Also located in Franco's residence was a large quantity of marijuana. Both substances were seized by Las Vegas Metropolitan Police Department.

Franco's phone was seized during the search. Review of the phone provided further evidence that Franco has left the district on numerous occasions. In fact, on the day of the search Franco

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was in California. When questioned as to why Franco was in California, he advised the undersigned officer that he had left that day to attend an emergency custody hearing for his children. Review of his text messages revealed that Franco had been in California since at least February 10, 2023. While a custody hearing did in fact take place for Franco, he did not have permission to be in California on February 10, 2023.

Information on the phone also revealed that Franco was in California in January without the knowledge or approval of the probation officer.

Franco's criminal history includes Resisting a Police Officer, Sale or Transportation of a Controlled Substance, Assault with a Deadly Weapon, Having a Concealed Firearm in a Vehicle, Possession of a Controlled Substance, and Possession of a Firearm by a Felon. Franco is a criminal history category VI. Franco's fabrication of his mental illness at the time of sentencing was a manipulation to seek empathy from the Court. Franco has been on supervision less than four months and has clearly shown that he is unwilling to comply with the conditions of supervision, remain in district as required, and not possess illicit substances. U.S.C. 3583(g)(1) states that revocation is mandatory for possession of a controlled substance. Franco was found to be in possession of MDMA at the time of the search on his residence. Franco's criminal history and possession of illicit substances clearly supports that Franco is a danger to the community, Franco's repeatedly left the district without the knowledge or permission of the probation officer supports that he is also a risk of flight. It is respectfully requested that a warrant be issued for Franco's arrest. It is further requested that Franco be detained pending his revocation hearing as he is both a risk of flight and danger to the community.

Respectfully submitted,



Digitally signed by Amberleigh
Barajas
Date: 2023.03.10 16:28:06 -08'00'

Amberleigh Barajas
Senior United States Probation Officer

Approved:



Digitally signed by
Todd Fredlund
Date: 2023.03.10
16:24:31 -08'00'

Todd J. Fredlund
Supervisory United States Probation Officer